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In re Application of Avery :
Application No. 10/801,210 :
Filing Date: March 16, 2004 :
Attorney Docket No. 1025-005 :

OFFICE OF PETITIONS
Decision on Petition

This is a decision on the petition under 37 CFR 1.181, filed January 13, 2006, to withdraw the holding of abandonment.

The petition is **granted**.

The above-identified application was deemed abandoned for failure to reply in a timely manner to the non-final Office action mailed May 26, 2005, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application was considered abandoned on June 27, 2005. A Notice of Abandonment was mailed December 27, 2005.

Petitioner contends the Office action was never received. Petitioner has established a showing sufficient to demonstrate non-receipt of the Office action.

The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Technology Center Art Unit 3632 will be informed of the instant decision and the examiner will review the January 13, 2006 amendment in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

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